

MIKE NOVO
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 030324

A. P. # 008-162-017-000

In the matter of the application of
Joseph & Elizabeth Conron (PLN030324)

FINDINGS & DECISION

to allow a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Administrative Permit and Design Approval for the construction of a 1,845 sq. ft. addition to an existing 5,311 sq. ft. two-story single family dwelling and 867 sq. ft. attached garage; Variance to exceed the 5,000 sq. ft. building coverage limitation for the Pescadero Watershed by 517 sq. ft., not to exceed 9,000 sq. ft. impervious coverage limit. The property is located at 3320 Kingsley Court, Pebble Beach, Del Monte Forest area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on October 9, 2003.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

- 1. FINDING: CONSISTENCY** - The Project, as conditioned is consistent with applicable plans and policies of the Del Monte Land Use Plan, Coastal Implementation Plan (Part 5), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for residential development.

EVIDENCE: (a) PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the Del Monte Forest Land Use Plan, Coastal Implementation Plan (Part 5), and Part 6 of the Coastal Implementation Plan. PBI staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20) and have determined that the project is consistent with the Del Monte Forest Land Use Plan which designates this area as appropriate for residential development. Staff notes are provided in Project File PLN030324.

(b) Project planner conducted an on-site inspection on August 6, 2003 to verify that the project on the subject parcel conforms to the plans listed above. Staff notes regarding the site visit are in Project File PLN030324.

(c) The project for a single family home is an allowed use in accordance with Sections 20.14.040.

(d) The parcel is zoned Low Density Residential, Building Site District, Design Control District, Coastal Zone ("LDR-B-6-D (CZ))." The project is in compliance with Site Development Standards for a Low Density Residential District in accordance with Section 20.14.060.

(e) The proposed project is located in a high archeological sensitivity area. The Environmental Impact Report of Macomber Estates (County of Monterey, February, 1993) included measures to mitigate potential impacts to archeological resources. The subject parcel was included in the archeological survey conducted for the Macomber Estates EIR and no

archeological resources were found on site. A condition has been included to stop work if any cultural resources are found during the course of construction. Work will not resume until those resources are adequately evaluated by professional archaeologist.

(f) The Del Monte Forest Land Use Advisory Committee voted 6 to 0 to recommended approval of the project. LUAC meeting minutes dated August 28, 2003.

(g) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN030324.

2. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property, and all zoning violation abatement cost, if any, have been paid.
- EVIDENCE:** (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.
3. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance or operation of the project applied for will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
- EVIDENCE:** (a) The project was reviewed by Planning and Building Inspection, Public Works, Water Resources Agency, the Department of Environmental Health, and the Pebble Beach Community Services District. The respective departments and agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions.
4. **FINDING: SITE SUITABILITY** - The site is suitable for the use proposed.
- EVIDENCE:** (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, and Department of Environmental Health and the Pebble Beach Community Services District Conditions recommended have been incorporated.
- (b) Staff conducted an on-site visit on August 6, 2003 to verify that the site is suitable for this use.
- (c) Certified Final EIR for Macomber Estates Subdivision prepared by EMC Planning Group, dated February 1993. The EIR is on file with the Planning and Building Inspection Department.
- (d) Necessary public facilities are available and will be provided.
5. **FINDING: VARIANCE – Carmel Bay Watershed Impervious Surface Limitation: No Special Privileges:** The request for a variance to exceed the impervious surface limitation of the Carmel

Bay Watershed (Section 20.147.030.A of the Coastal Implementation Plan) does not constitute a granting of special privileges inconsistent with the limitations upon other properties in the vicinity and under identical zoning classification in which such property is situated.

EVIDENCE: (a) Similar residential properties in the Del Monte Forest area of the Coastal Zone have been granted Variances to exceed the Pescadero Watershed structural and impervious surface coverage limitations.

(b) The Board of Supervisors' resolution 94-149 (Steakley) established the precedent to allow a Variance to exceed the 5,000 square foot limit on structural coverage as long as storm water runoff was controlled on site. Retaining storm water on site and maintaining the combined structural and impervious surface coverage under the 9,000 square foot limit supports the intent of Section 20.147.030.A.1.b of the certified Monterey County Coastal Implementation Plan, Part 5 regarding impervious coverage in the Pescadero watershed.

(c) Total impervious surface proposed by the project remains within the 9,000 square feet allowable.

6. FINDING: VARIANCE- Special Circumstances: Because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, the strict application of Section 20.147.030.A.1.b of the Monterey County Coastal Implementation Plan is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under an identical zoning classification.

EVIDENCE: (a) The intent of the Pescadero watershed coverage limitations is to limit the amount of storm water runoff into Carmel Bay, thereby protecting an area of biological significance. Although, the proposed project exceeds the 5,000 square foot limit for structural coverage, the proposed impervious surface coverage is below the allowable 4,000 square foot limit. The project will not exceed the 9,000 square foot combined structural and impervious surface coverage limit, therefore implementing the intent of the Pescadero watershed impervious coverage policy.

(b) The subject site is capable of controlling the storm water runoff produced by the proposed development thereby meeting the intent of Section 20.147.030.A.1.b. The owner has agreed to a condition that would require all storm water runoff from the development to be controlled on site, by means of retention/percolation facilities or infiltration trenches in accordance with plans by a registered civil engineer or architect (Condition No. 7).

(c) A drainage plan has been prepared for the project by Bestor Engineers, Inc., dated February 13, 2002, which was designed to accommodate the increased runoff caused by the development during a typical 10-year storm event, in order to conform to policies 1, 2, & 6 of the Del Monte Forest Land Use Plan, relating to drainage issues.

(d) Other property owners in the vicinity and under identical zoning classification have been afforded the same privileges sought by the property owner of this application.

(e) Monterey County Board of Supervisors Resolution No. 94-149 granting the appeal of John and Danielle Steakley from a decision by the Planning Commission relating to the 5,000 square foot limitation to structural coverage in the Del Monte Forest Area. The Board's

decision effectively granted the applicant a variance to exceed the aforementioned 5,000 square foot structural coverage limitation.

7. **FINDING: VARIANCE - Allowed Use in Zoning District:** The Variance does not allow a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.
- EVIDENCE:** (a) The Variance will allow the construction of an addition to an existing single family dwelling located within a Low Density Residential (LDR) Zoning District. Single Family Dwellings are an allowed use with the LDR zoning district.
8. **FINDING: SITE SUITABILITY -** The site is suitable for the use proposed.
- EVIDENCE:** (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, and Department of Environmental Health. Conditions recommended have been incorporated.
- (b) Staff conducted an on-site visit on August 6, 2003 to verify that the site is suitable for this use.
- (c) Certified Final EIR for Macomber Estates Subdivision prepared by EMC Planning Group, dated February 1993. The EIR is on file with the Planning and Building Inspection Department.
- (d) Staff site visit on August 6, 2003.
9. **FINDING: PUBLIC ACCESS -** The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.
- EVIDENCE:** (a) The subject property is not described as an area where the Local Coastal Program requires access.
- (b) The subject property is not indicated as part of any designated trails or shoreline access as shown in the Recreational Facilities Map and the Shoreline Access Map, of the Del Monte Forest Land Use Plan.
- (c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
10. **FINDING: CEQA: -** The project is exempt from environmental review.
- EVIDENCE:** (a) CEQA Guidelines Section 15301 categorically exempts single family dwelling additions.
- (b) No adverse environmental effects were identified during staff review of the development application or during a site visit on August 6, 2003.
- (c) The EIR for the Macomber Estates Subdivision examined all potential impacts for the proposed development of Macomber Estates. Potential adverse environmental impacts have been reduced to less than significant levels.

(d) No changes in the project or unusual circumstances exist which would necessitate additional environmental review.

11. FINDING: APPEALABILITY - The project is appealable to the Board of Supervisors and California Coastal Commission.

EVIDENCE: (a) Sections 20.86.030 and 20.86.080 of the Monterey County Zoning Ordinance.

DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. The subject Combined Development Permit consists of a Combined Development Permit consisting of a Coastal Administrative Permit and Design Approval for the construction of a 1,845 square foot addition to an existing 5,311 square foot two story single family dwelling with attached 867 square foot garage; Variance to exceed the 5,000 square foot building coverage limitation for the Pescadero watershed by 517 square feet, not to exceed the 9,000 square foot impervious coverage limit. The property is located at 3320 Kingsley Court, Pebble Beach (Assessor's Parcel Number 008-162-017-000), Coastal Zone. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**

Prior to the Issuance of Grading and Building Permits:

2. A notice shall be recorded with the Monterey County Recorder which states: "A permit (Resolution 030324) was approved by the Zoning Administrator for Assessor's Parcel Number 008-162-017-000 on October 9, 2003. The permit was granted subject to 13 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
3. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. **(Planning and Building Inspection)**

4. The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
5. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans when a building permit is applied for:

"The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection." (Garage Included) **(Fire District)**

6. The building(s) shall be fully protected with an automatic alarm system(s). The following notation is required on the plans when a building permit is applied for:

"The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by National Fire Protection Association Standard 72 - 1996 Edition. Plans and specifications for the fire alarm system must be submitted and approved by the enforcing jurisdiction prior to requesting a framing inspection. All fire alarm system inspections and acceptance testing shall be in accordance with Chapter 7 of NFPA 72 – 1999" **(Fire District)**

7. Prior to issuance of grading or building permits, a drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts, to include retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff. Necessary improvements shall be constructed in accordance with plans approved by the Water Resources Agency. **(Water Resources Agency)**
8. Prior to the issuance of a building permit, the applicant shall obtain from the Monterey County Water Resources Agency (MCWRA), proof of water availability on the property in the form of an approved Water Release Form. **(Water Resources Agency)**

Prior to Final Building Inspection/Occupancy:

9. Certification that stormwater retention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. **(Water Resources Agency)**
10. The applicant shall comply with Ordinance No. 3932 of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have

more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculation system.

b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency & Planning and Building Inspection)**

Continuous Permit Conditions:

- 11. If during the course of construction activity on the subject property, cultural, archaeological, historical, paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection)**
- 12. All landscaped areas and replanted trees shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**
- 13. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 9th day of October, 2003.

Original Signed By:

MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Marina.

2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.